

REMARKS/ARGUMENTS

Reconsideration of the Office Action dated April 18, 2007 is respectfully requested.

Claims 23 and 27 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended claims 23 and 27 to address the concern expressed in the Office Action. Reconsideration and withdrawal of the above § 112 rejections are respectfully requested.

Claims 23-38 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,268,771 ("Shi") issued from the U.S. Patent Application No. 10/490,336 with Publication No. US 2004/0239642. It is respectively submitted that Shi is not qualified as Section 102(e) prior art for the following two reasons. First, Shi was not filed in the U.S. as required by Section 102(e). Shi was filed in China as an international (PCT) application PCT/CN02/000532 which designated the U.S. and later entered the U.S. national stage. Second, as an international (PCT) application, Shi was not published under PCT Article 21(2) in English. In fact, Shi was published in Chinese. Please see the attached documents regarding PCT/CN02/000532 printed out from WIPO website. Section 102(e) requires that for an international PCT application to be prior art, it has to designate the U.S. and be published under PCT Article 21(2) in the English language. In addition, Section 2136.03 II.(B) of the MPEP clearly indicates that if the international application was not published in English under PCT Article 21(2), either its international filing date or its date of completion of the 35 U.S.C. 371(c)(1), (2) and (4) requirements should not be treated as a U.S. filing date. The MPEP §2136.03 II.(B) is recited below:

If the international application was filed on or after November 29, 2000, but did **not** designate the United States or was **not** published in English under PCT Article 21(2), do **not** treat the international filing date as a U.S. filing date. In this situation, do **not** apply the reference as of its international filing date, its date of completion of the 35 U.S.C. 371(c)(1), (2) and (4) requirements, or any earlier filing date to which such an international application claims benefit or priority. The reference may be applied under 35 U.S.C. 102(a) or (b) as of its publication date, or 35 U.S.C. 102(e) as of any later U.S. filing date of an application that properly claimed the benefit of the international application (if applicable).

Even if Shi is qualified to be Section 102(e) prior art in any situation, Shi is not Section 102(e) prior art for this application. Assuming the date of Shi entering U.S. national stage, March 22, 2004, can be treated as its U.S. filing date, this date is after the claimed invention in this application. The invention was filed in the international application PCT/CN02/00687 on September 27, 2002 claiming the priority of two Chinese patent applications.

In view of the foregoing, the applicant suggested that the claims presently in the application are now in condition for allowance. Thus, a favorable action in the form of a Notice of Allowance is respectfully requested at the Examiner's earlier convenience.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4600 to discuss the steps necessary for placing the application in condition for allowance.

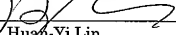
Appl. No. 10/500,438
Amdt. Dated October 18, 2007
Reply to Office Action of April 18, 2007

Attorney Docket No. 88538.0002
Customer No.: 26021

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

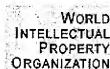
Date: October 18, 2007

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Appl. No. 10/50,438
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ATTACHMENT TO AMENDMENT



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Search result: 1 of 1

(WO/2003/027823) PANEL DISPLAY SCREEN WITH TOUCH CONTROL FUNCTION

Biblio. Data	Description	Claims	National Phase	Notices	Documents
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Latest bibliographic data on file with the International Bureau

Publication Number: WO/2003/027823

International Application No.: PCT/CN2002/000532

Publication Date: 03.04.2003

International Filing Date: 02.08.2002

Int. Class.: G06F 3/033 (2006.01)

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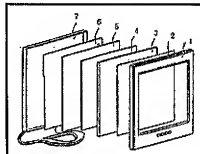
Inventors: SHI, Xuanming [CN/CN]; 10F-7, No.400 Hwan Pel Rd., Chungli City, Taoyuan Hsien, Taiwan (CN).
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Priority Data: 01264012.3 25.09.2001 CN

Title: PANEL DISPLAY SCREEN WITH TOUCH CONTROL FUNCTION

Abstract: A panel display screen with touch control function, including a panel display body and a touch control inducing layer, the outputs of touch control inducing layer are connected to a identify circuit, and a electromagnetic input pen performs touch control of the display. The touch control inducing layer is located behind the panel display. The touch control inducing layer composes of a electromagnetic induction generation layer and a base supporting layer, the substrate of the electromagnetic induction generation layer is a insulated soft septum, and antenna array is printed on the surface of septum, so as to compose a soft septum electromagnetic induction generation layer, the output of the layer is connected to control identify circuit, the input pen has a electromagnetic wave generating device. There is a insulated shield layer behind the touch control inducing layer. There is a identify circuit behind the insulated shield layer.



Designated States: AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, GR, GU, HD, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MY, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZM, ZW.
African Regional Intellectual Property Org. (ARIPO) (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW)
Eurasian Patent Organization (EAPO) (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM)
European Patent Office (EPO) (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR)
African Intellectual Property Organization (OAPI) (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

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Search result: 1 of 1

(WO/2003/027823) PANEL DISPLAY SCREEN WITH TOUCH CONTROL FUNCTION[Biblio. Data](#)[Description](#)[Claims](#)[National Phase](#)[Notices](#)[Documents](#)Available information on National Phase entries ([more information](#))

Office Code	National Entry Date	National Reference Number	Status
EP	24.04.2004	2002754156	Published: 14.07.2004
JP	23.03.2004	2003531300	
KR	25.03.2004	<u>1020047004386</u>	Published: 04.05.2004
US	22.03.2004	10490336	